

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THE FLINTKOTE COMPANY,

Plaintiff,

No. C 06-03565 MHP

v.

SULLIVAN & CROMWELL LLP,

Defendant.

MEMORANDUM & ORDER
Re: Motion to Remand

Plaintiff The Flintkote Company (“Flintkote”) filed this action against defendant Sullivan & Cromwell LLP (“S&C”) in San Francisco County Superior Court on May 24, 2006. Flintkote alleges that S&C has improperly refused to deliver to Flintkote certain client files associated with S&C’s previous representation of Flintkote. S&C timely removed to this court on June 2, 2006.

In support of removal, S&C argues that the question presented by Flintkote’s complaint is a “core” bankruptcy matter and therefore subject to exclusive federal jurisdiction under In re Gruntz, 202 F.3d 1074 (9th Cir. 2000) (en banc). In a separate order filed concurrently herewith in case number C 05-03051, the court rejects S&C’s reading of Gruntz and concludes that state courts retain concurrent jurisdiction over core bankruptcy matters. For the reasons stated in that order,

//
//
//
//
//
//
//

1 which are equally applicable here, Flintkote's motion to remand is GRANTED. A certified copy of
2 this order shall be sent to the Superior Court for the County of San Francisco, and the clerk shall
3 close the file.

4

5

6 IT IS SO ORDERED.

7

8

9 Dated: July 27, 2006

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28


MARILYN HALL PATEL
District Judge
United States District Court
Northern District of California